

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SHERYL FINK SERROS,

 Plaintiff,

 v.
 KILOLO KIJAKAZI,¹
 Acting Commissioner of Social Security

 Defendant.

Case No.: 1:21-cv-00073-SKO
 STIPULATION FOR VOLUNTARY
 REMAND PURSUANT TO SENTENCE
 FOUR OF 42 U.S.C. § 405(g); ORDER
 (Doc. 19)

IT IS HEREBY STIPULATED, by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new decision.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) to consider additional information to determine whether the claimant good cause for failing to appear at his hearing. If the ALJ finds good cause, he/she will offer Plaintiff, the claimant's surviving spouse, the opportunity for a hearing.

Respectfully submitted,

Dated: November 9, 2021

/s/ Jonathan O. Pena*
(*as authorized via e-mail on 11/9/21)
JONATHAN O. PENA, ESQ.
Attorneys for Plaintiff

Dated: November 9, 2021

PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Acting Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) ("Stipulation to Remand") (Doc. 19), and for cause shown, IT IS HEREBY ORDERED that the above-captioned action is remanded to the Acting Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

The Clerk of Court is hereby DIRECTED to: (1) enter judgment in favor of Plaintiff Sheryl Fink Serros and against Defendant Kilolo Kijakazi, Acting Commissioner of Social Security; and (2) administratively close this file.

IT IS SO ORDERED.

Dated: **November 10, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE